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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 BLAKE L. ANDERSON,

7 Plaintiff,

8 v.

9 STATE OF NEVADA, *et al.*,

10 Defendants.

Case No. 3:18-cv-00443-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

11 Before the Court is the Report and Recommendation of United States Magistrate
12 Judge William G. Cobb (ECF No. 7) (“R&R” or “Recommendation”) relating to Plaintiff’s
13 application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1) and *pro se*
14 complaint (ECF No. 1-1.). Plaintiff had fourteen days from service of the R&R or until
15 November 20, 2018 to file an objection. See LR-IB 3-2(a); ECF No. 7. To date, no
16 objection to the R&R has been filed.

17 This Court “may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
19 timely objects to a magistrate judge’s report and recommendation, then the court is
20 required to “make a *de novo* determination of those portions of the [report and
21 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails
22 to object, however, the court is not required to conduct “any review at all . . . of any issue
23 that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
24 Indeed, the Ninth Circuit has recognized that a district court is not required to review a
25 magistrate judge’s report and recommendation where no objections have been filed. See
26 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
27 of review employed by the district court when reviewing a report and recommendation to
28 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,

1 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
2 view that district courts are not required to review "any issue that is not the subject of an
3 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
4 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
5 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
6 which no objection was filed).

7 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
8 determine whether to adopt Judge Cobb's R&R. Judge Cobb recommends dismissal
9 without prejudice because Plaintiff's claims sound in habeas. (ECF No. 7.) Upon
10 reviewing the R&R and proposed complaint, this Court finds good cause to accept and
11 adopt the Magistrate Judge's R&R in full.

12 It is therefore ordered that the Report and Recommendation of Magistrate Judge
13 William G. Cobb (ECF No. 7) is accepted and adopted in its entirety.

14 It is further ordered that this action is dismissed without prejudice.

15 It is further ordered that all pending motions (ECF Nos. 3, 4) are denied as moot.

16 The Clerk is directed to close this case.

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18 DATED THIS 26th day of November 2018.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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